

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:11-HC-2123-FL

CHARLES ALONZO TUNSTALL-  
BEY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

Petitioner filed a notice of voluntary dismissal (DE # 3). An action may be dismissed voluntarily by the petitioner without order of the court by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment. See Fed.R.Civ. P. 41(a)(1). Otherwise an action shall not be dismissed on the petitioner's request except upon an order of the court. See Fed.R.Civ. P. 41(a)(2). At this point, respondent has not been served, nor has he filed any responsive pleading. Accordingly, petitioner's motion for voluntary dismissal pursuant to Rule 41(a)(1) (DE # 3) is GRANTED, and the action is DISMISSED without prejudice. The Clerk of Court is DIRECTED to close this case.

SO ORDERED, this the 29th day of July, 2011.



LOUISE W. FLANAGAN  
Chief United States District Judge